

TOWN OF DUMMERSTON

Development Review Board

Application for Right of Way

Findings and Decision

Permit Application Number: 3642

Date Received: May 12, 2021

Applicant: Jason Peter Doubleday

Mailing Address: 470 Rice Farm Rd., Dummerston, VT 05301

Location of Property: Parcel # 740; Rice Farm Rd., Dummerston, Vermont

Owner of Record: Jason Peter Doubleday

Application: Right of Way; Section 602 and Development Review Board; Section 715

Date of hearing: June 15, 2021

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Right of Way pursuant to Land Division submitted by Jason Peter Doubleday under the Town of Dummerston Zoning Bylaw.
2. The application was received by the Zoning Administrator on May 12, 2021.
3. On May 25, 2021, notice of a public hearing was published in The Commons.
4. On May 26, 2021, notice of a public hearing was posted at the following places:
 - The Dummerston Town Office.
 - The West Dummerston Post Office.
 - The Dummerston School.
5. On May 29, 2021, notice of a public hearing was posted at the following place: Rice Farm Rd., which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
6. On May 26, 2021, a copy of the notice of a public hearing was mailed to the applicant.
7. On May 26, 2021, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. David Catharine & Holly & Vernon
C/O Catherine David
38 Fern St
Lexington, MA 02421
 - b. Doubleday Jason P & Kuralt Lynn M
C/O Pearl Doubleday
521 Rice Farm Rd

- Dummerston, VT 05301
 - c. Flynt William Marital Trust & Flynt Suzanne Revocable Trust
626 Rice Farm Rd
Dummerston, VT 05301
 - d. Robinson Joseph D & Kimberly E F
445 Rice Farm Rd
Dummerston, VT 05301
 - e. Stahl Erica & Norbert W/Life Estate
200 W 109Th St D5
New York, NY 10025
 - f. Wright Brianna N & Contino Frederic W
496 Rice Farm Rd
Dummerston, VT 05301
8. The application was considered by the Development Review Board (DRB) at a public hearing on June 15, 2021.
9. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019.
10. A site visit was conducted on June 15, 2021. Present at the site visit were the following:
- a. Members of the Development Review Board:
 - i. Alan McBean, Cami Elliott, Chad Farnum
 - b. Others: Jason Peter Doubleday (Applicant), Roger Jasaitis (Zoning Administrator), Lynn Kuralt (Abutter)
11. Present at the hearing were the following:
- a. Members of the Development Review Board:
 - i. Alan McBean, Josh Pacheco, Chad Farnum, Cami Elliott
 - b. Others: Jason Peter Doubleday (Applicant), Roger Jasaitis (Zoning Administrator)
- During the course of the hearing the following exhibits were submitted to the DRB:
- c. Application for Zoning Permit for a Right of Way, number: 3642.
 - d. Application to the Development Review Board for a Right of Way, number: 3642.

FINDINGS OF FACT

1. The applicant introduced the application explaining that the right of way requested is an extension of the right of way granted by the DRB a few years ago.
2. Parcel 740 extends into the Town of Brattleboro with 31.88 acres in Dummerston and 29.30 acres in Brattleboro.
3. The proposed right of way extends to the Dummerston Town line with Brattleboro.
4. The proposed right of way will be 50 feet in width.
5. The proposed right of way will use the existing access from Rice Farm Rd.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for Right of Way.

1. The review board determined the application meets the requirements of Section 602.
2. The right of way will have adequate means of access on a maintained public road. Access easements or rights of way shall not be less than 20' in width.
3. Expiration: Zoning Permit approvals shall expire by limitation if work is not completed within two (2) years from the date they are approved. All work must be completed as shown on any approved plan before the expiration date. One year extensions of this deadline may be granted by the Administrative Officer prior to expiration. Requests for extensions must be made in writing to the Administrative Officer.
4. It is the Applicant's responsibility to be in compliance with any and all Town or State required or issued permits at all times or this approval is null and void.

The following members of the Dummerston Development Review Board participated and concurred in this decision: Alan McBean, Josh Pacheco, Cami Elliott, Chad Farnum.

Dated at Dummerston, Vermont, this 30th day of June, 2021.



Signed for the Dummerston Development Review Board

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.